

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1360 be amended to read as follows:

1       Page 5, line 7, after "11." insert "(a) As used in this section,  
2       "communications service" has the meaning set forth in  
3       IC 8-1-32.5-3. The term includes broadband over power lines. The  
4       term does not include communications between advanced meters  
5       and utilities solely for customer billing, outage response, or  
6       demand side management.  
7       (b)".  
8       Page 5, between lines 12 and 13, begin a new paragraph and insert:  
9       "(c) An electricity supplier that receives an incentive approved  
10      under this chapter with respect to infrastructure, equipment, or  
11      other facilities shall notify the commission at least one hundred  
12      twenty (120) days before the electricity supplier uses the  
13      infrastructure, equipment, or other facilities to provide  
14      communications service, either directly or indirectly through an  
15      affiliate or an unaffiliated third party. If the commission is notified  
16      under this subsection or otherwise determines that an electricity  
17      supplier is using infrastructure, equipment, or other facilities to  
18      provide communications service, the commission shall issue an  
19      order revoking any incentive approved under this chapter with

1       **respect to the infrastructure, equipment, or other facilities. The**  
2       **order must require the electricity supplier to refund on a pro rata**  
3       **basis to its customers any costs recovered through rates paid by the**  
4       **customers under an incentive approved under this chapter, plus**  
5       **interest in an amount determined by the commission."**

(Reference is to EHB 1360 as printed April 10, 2009.)

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Senator HERSHMAN